

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SEAN PATTERSON, on behalf of himself and all
others similarly situated,

No. 15-cv-00662 (SLT)(PK)

Plaintiff,

-against-

PREMIER CONSTRUCTION CO. INC.,

Defendant.
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**DECLARATION
OF PLAINTIFF
SEAN PATTERSON**

I, SEAN PATTERSON, declare pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am over the age of majority. I am the Plaintiff in the above referenced action and I make the factual allegations contained herein based upon my own personal knowledge. If called to testify, I would do so truthfully and consistent with the following:

2. I was employed at Defendant Premier Construction Co. Inc. ("Premier") as a laborer. My duties included aiding construction workers by doing demolition, removing debris, and carrying materials from one work site to another. I was generally assigned to the brick group although I was sometimes assigned to the roof group. I was one of roughly fifteen laborers at my work site.

3. The Premier laborers "officially" worked five days a week, forty hours per week. However, we were consistently asked to work an eight-hour shift on Saturday.

4. During the course of my employment, I worked almost every Saturday and I was never paid over-time for those hours, even though I had already worked forty hours during the week. Moreover, Defendants paid me for my Saturday hours with cash rather than checks so that the compensation would remain unrecorded.

5. I discussed Defendants' pay policies with many other employees and I learned that these employees were also not paid anything more for their overtime hours on Saturday.

6. Premier has several work locations throughout the five boroughs of New York, including but not limited to, Bronx I (Grand Concourse), Bronx II, Brooklyn I (East New York), Brooklyn II (Green Avenue), and Manhattan. I worked at all of these work sites during the course of my employment with Defendants.

7. On a given Saturday, on average, there were six (6) to eight (8) laborers and ten (10) to (15) construction workers working at each site. Upon information and belief, none of those laborers were paid overtime wages for their Saturday shift.

8. Roughly 98% of Premier's employees were immigrants from Spanish-speaking countries and possessed limited English-speaking skills.

9. I worked for Defendants for roughly a year. I was terminated abruptly when I asked Defendants to write a letter detailing the terms of my employment and compensation for submission to my bank in connection with a personal loan. Upon receiving this request, Defendants responded with a termination letter.

10. I believe Defendants terminated me because they did not want a record of my compensation given to a bank. They knew there would be a gap between my actual income and their records as they were not recording my Saturday hours.


SEAN PATTERSON

12.11.2013
DATE